

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

REC'D 27 MAY 2005

PCT
WFO PCT

To:

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WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

Date of mailing
(day/month/year)

23-05-2005

Applicant's or agent's file reference
PCT-201

FOR FURTHER ACTION

See paragraph 2 below

International application No.

PCT/FI 2005/000019

International filing date (day/month/year)

14.01.2005

Priority date (day/month/year)

16.01.2004

International Patent Classification (IPC) or both national classification and IPC

B65B67/12, B65F1/14

Applicant

Askonen, Arto

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☒ Box No. VIII Certain observations on the international application

2. **FURTHER ACTION**

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.
For further opinions, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

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Box No. I Basis of this opinion

1. With regard to the language, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.

☐ This opinion has been established on the basis of a translation from the original language into the following language, _____, which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).

2. With regard to any nucleotide and/or amino acid sequence disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:

a. type of material

- ☐ a sequence listing
☐ table(s) related to the sequence listing

b. format of material

- ☐ in written format
☐ in computer readable form

c. time of filing/furnishing

- ☐ contained in the international application as filed.
☐ filed together with the international application in computer readable form.
☐ furnished subsequently to this Authority for the purposes of search.

3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.

4. Additional comments:

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Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims	2-5	YES
	Claims	1, 6, 7	NO
Inventive step (IS)	Claims	2-5	YES
	Claims	1, 6, 7	NO
Industrial applicability (IA)	Claims	1-7	YES
	Claims		NO

2. Citations and explanations:

The claimed invention relates to a supporting structure for a flexible refuse sack. One object of the invention is to provide a supporting structure that stretches the sack in an open condition.

Documents cited in the International Search Report:

D1: US 6367747 B1
D2: US 6179150 A
D3: US 4037778 A
D4: US 3983914 A
D5: GB 109676 A

Document D1 discloses a collapsible sack insert, designed for holding plastic refuse sacks in an upright, free-standing, open condition. The insert comprises a sturdy open-top, open-bottom plastic insert, designed to be placed inside the refuse sack.

Document D2 discloses a collapsible support wire frame and cart for a collapsible refuse sack for holding plastic refuse sacks in an upright open condition. The frame comprises first and second end panels and first and second pairs of hingedly coupled front and back panels, with each front and back panel also hingedly coupled to an adjacent end panel. When expanded, the folding wire frame forms rectangular structures open at the top and bottom. The folded frame is adapted for insertion lengthwise in the open top of an upright refuse sack, for example, of paper and

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Box No. VIII Certain observations on the international application

The following observations on the clarity of the claims, description, and drawing or on the question whether the claim are fully supported by the description, are made:

Claims 1 and 6, and consequently their dependent claims, are not drafted in a "clear and concise" manner as is called for in PCT Article 6 since the invention is defined by results to be achieved or methods. Stating results can not be considered as "defining" the invention by technical features of the invention, but instead makes it unclear what design features the sought protection in fact refers to. Claims must be drafted in terms of the "technical features of the invention". A method claim should be defined by activities.

What is meant by "is due to...of said walls" in claim 1?

What is meant by "is fitted to make the residue sack tense around body parts" in claim 6?

Claims 3, 4 and 5, are not drafted in a "clear and concise" manner (Article 6). What is meant by "letting down body parts...a mutual motion upwards" in claim 3 and 4? Claim 5 is not clear. What is meant by "are fitted to draw away from one another...motion to wall"? How do the different parts co operate?

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Supplemental Box

In case the space in any of the preceding boxes is not sufficient.

Continuation of: BOX V

extends beyond the open top. A wheeled cart includes a handle and a horizontal platform for supporting and transporting a filled sack.

Document D3 discloses an internal support for holding plastic refuse sacks in an upright, free-standing, open condition. It comprises interconnected panels that are freely swing able, without substantial inward or outward bias, toward and away from one another. The panels are initially held in a partially overlapped condition during insertion of the liner into a sack, whereupon they are swung outwardly away from one another to the extent permitted by the dimensions of the sack, the panels in such expanded condition frictionally engaging the sack sidewall to hold the latter against collapse.

D1-D3 each disclose inserts that when put inside a sack can be moved by gravitation and when reaching the bottom of the sack help increase the volume of it.

Thus, the invention defined in claim 1 is not new and consequently lacks novelty and inventive step.

The subject-matter of claim 6 seems to differ from the supports known from D1 or D2 or D3 in that the support is expanded during insertion of it inside the sack or in that the size of the sack is chosen to match tightly that of the support. However, the claim does not clearly disclose the construction of the support. It is therefore considered obvious to one skilled in the art to apply the features from the cited document and to arrive at the supporting structure described in claim 6. Accordingly, the invention claimed in claim 6 does not involve an inventive step.

D1-D3 each disclose the invention according to claim 7. The subject-matter of claim 7 therefore lacks novelty and inventive step.

The cited documents D4 and D5 represent the general state of the art concerning the present claimed inventions.